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EXAMINER

MENBERU, BENIYAM

ART UNIT

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/022,583	Applicant(s) LEONARDI, RICCI J.	
	Examiner Beniyam Menberu	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-14 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-14 and 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 20, 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 13, 14, 23, and 24 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see Remarks, filed June 20, 2007, with respect to the rejection(s) of claim(s) 10, 19, 25, 28, and 29 under U.S. Patent No. 6304849 to Uecker et al in view of U.S. Patent No. 6711460 to Reese have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view JP 08-305769 to Yuyama et al.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 8, 13, 14, 17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6304849 to Uecker et al in view of U.S. Patent No. 6206428 to Hansen et al.

Regarding claim 1, Uecker et al disclose a system for supplying duplex pharmacy labels comprising (column 5, lines 21-26, lines 41-55):

a sheet, the sheet having an obverse face and a reverse face(column 5, lines 65-67; column 6, lines 1-9, lines 48-57), the obverse face of the sheet including a first area and a second area (Figure 3, first area defined 301 and 301', second area is area surrounding 301 and 301' bounded below by 302 and above by the edges of 201'), the first area of the obverse face including a pair of peel-off labels (Figure 3; 301, 301'; column 6, lines 20-28), the reverse face of the sheet including a first area opposite the first area of the first side (column 6, lines 48-57) ;

a printer, the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet (column 5, lines 41-55);

a database, the database including patient specific data for a plurality of patients and medication specific data for a plurality of medications (column 3, lines 48-59; column 4, lines 8-35, lines 36-50); and

a controller, the controller operatively connecting the printer and the database (Figure 2, reference 203; column 5, lines 5-18), the controller arranged to forward patient specific data for a selected patient and medication specific data for a selected medication to the printer to thereby cause the printer to print patient specific data for the selected patient and medication specific data for the selected medication on the pair of peel-off labels of the first area of the obverse face and on the first area of the reverse face (column 5, lines 19-40; column 6, lines 15-27, lines 47-57) and

wherein the sheet is adapted to fold along a pair of parallel fold lines that divide the sheet into first, second and third sections (Figure 4, reference 302, 402 are parallel; sections 205, 401, 204; column 6, lines 58-67; column 7, lines 1-7), and wherein the first and second area of the obverse face are disposed on the first section (the first and second area as defined above are in the same section 205 as shown in Figure 4).

Further with respect to claim 13, Uecker et al discloses the first area of the obverse face including a pair of peel-off labels removably disposed on a backing surface (column 6, lines 9-15), the reverse face of the sheet including a first area opposite the first area of the first side at least a portion of the first area of the reverse face formed by a reverse face of the backing surface (column 6, lines 48-57).

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However Uecker et al does not disclose wherein the first section is an end section contiguous with only the second section at a first fold line and wherein the printer is adapted to print on the first end section in an orientation parallel to the pair of fold lines and adapted to print on the second and third sections in an orientation perpendicular to the pair of fold lines.

Hansen et al discloses wherein the first section is an end section contiguous with only the second section at a first fold line (Figure 1, fold line 101, 102; section 150 is contiguous with only 120; column 2, lines 45-67; section 150, 120, and 110 read on first, second, and third section respectively) and wherein the printer is adapted to print on the first end section in an orientation parallel to the pair of fold lines and adapted to print on the second and third sections in an orientation perpendicular to the pair of fold lines (Figure 1, column 3, lines 52-67; column 4, lines 22-44;).

Uecker et al and Hansen et al are combinable because they are in the similar problem area of printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the printing method of Hansen et al and the system of Uecker et al to implement printing using different orientation on a label.

The motivation to combine the reference is clear because Hansen et al provides a customer friendly method for printing information (column 1, lines 36-40, 65-67; column 2, lines 1-30).

Regarding claim 2, Uecker et al in view of Hansen et al teaches all the limitations of claims 1. Further Uecker et al discloses the system of claim 1, including a

user interface operatively connected to the controller, the user interface enabling a user to input the selected patient and the selected medication (column 3, lines 48-53).

Regarding claim 24, Uecker et al in view of Hansen et al teaches all the limitations of claim 23. Further Uecker et al discloses the method of claim 23, wherein the peel off labels are attached to a backing surface, and wherein at least a portion of the first area of the reverse face formed by a reverse face of the backing surface (column 6, lines 9-16, lines 38-57).

Regarding claim 8, Uecker et al in view of Hansen et al teaches all the limitations of claims 1. Further Uecker et al in view of Hansen et al disclose a system, wherein the patient specific data and the medication specific data are printed in landscape format on one of the faces and in portrait format on the other of the faces (Using the printing method of Hansen et al, the patient specific data and the medication specific data of Uecker et al can be printed in landscape format on one of the faces and in portrait format on the other of the faces (In Figure 1 of Hansen et al, the top figure shows the front face and the bottom shows the other face. In the front face section 150 is printed in landscape format and in the other face section 130, 140 is printed in portrait format. (Hansen et al: column 2, lines 45-67))).).

Regarding claim 13, see Examiner's rejection with respect to claim 1 above.

Regarding claim 14, see Examiner's rejection with respect to claim 2 above.

Regarding claim 17, see Examiner's rejection with respect to claim 8 above.

Regarding claim 23, see Examiner's rejection with respect to claim 1 above.

6. Claims 6, 7, 9, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6304849 to Uecker et al in view of U.S. Patent No. 6206428 to Hansen et al further in view of U.S. Patent No. 5803498 to Tung et al.

Regarding claim 6, Uecker et al in view of Hansen et al teaches all the limitations of claims 1 and 13 respectively. Further Uecker et al discloses the system of claim 1, wherein the sheet comprises a standardized form, at least a portion of the form containing pre-printed information, the pre-printed information being non-patient specific (column 6, lines 38-47). However Uecker et al in view of Hansen et al does not disclose wherein the information is non-vendor specific.

Tung et al disclose wherein the information is non-vendor specific (Figure 1a, 1b).

Uecker et al, Hansen et al, and Tung et al are combinable because they are in the similar problem area of printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the non-vendor information of Tung et al with the system of Uecker et al and Hansen et al to implement non-vendor information labeling.

The motivation to combine the reference is clear because it provides the patient with alternative information which might be of interest such as for advertising purpose (column 1, lines 60-65).

Regarding claim 7, Uecker et al in view of Hansen et al teaches all the limitations of claim 1. Further Tung et al disclose the system of claim 1, wherein a portion of the pre-printed information is in landscape format (Figure 1a, reference 18; Figure 1b, reference 42)

Regarding claim 9, Uecker et al in view of Hansen et al teaches all the limitations of claims 1. Further Tung et al disclose the system wherein at least a portion of the medication specific data on the reverse face is printed in landscape format and extends across the first area/backing of the reverse face and at least a portion of the second area of the reverse face (Tung et al: Figure 2a; column 5, lines 7-12; Uecker et al: column 6, lines 12-16, lines 48-57).

Regarding claim 16, see Examiner's rejection with respect to claim 6 above.

Regarding claim 18, see Examiner's rejection with respect to claim 9 above.

7. Claims 10, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6304849 to Uecker et al in view of JP 08-305769 to Yuyama et al.

Regarding claim 10, Uecker et al discloses a system for supplying duplex pharmacy labels comprising:

a sheet, the sheet having an obverse face and a reverse face (column 5, lines 65-67; column 6, lines 1-9, lines 48-57), the obverse face of the sheet including a first area and a second area (Figure 3, first area defined 301 and 301', second area is area

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surrounding 301 and 301' bounded below by 302 and above by the edges of 201'), the first area of the obverse face including a pair of peel-off labels (Figure 3; 301, 301'; column 6, lines 20-28), the reverse face of the sheet including a first area opposite the first area of the first side (column 6, lines 48-57);

a printer, the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet (column 5, lines 41-55);

a database, the database including patient specific data for a plurality of patients and medication specific data for a plurality of medications (column 3, lines 48-59; column 4, lines 8-35, lines 36-50); and

a controller, the controller operatively connecting the printer and the database (Figure 2, reference 203; column 5, lines 5-18), the controller arranged to forward patient specific data for a selected patient and medication specific data for a selected medication to the printer to thereby cause the printer to print patient specific data for the selected patient and medication specific data for the selected medication on the first area of the obverse face and on the first area of the reverse face (column 5, lines 19-40; column 6, lines 15-27, lines 47-57).

Further with respect to claim 19, Uecker et al discloses the first area of the obverse face including a pair of peel-off labels removably disposed on a backing surface (column 6, lines 9-15), the reverse face of the sheet including a first area opposite the first area of the first side at least a portion of the first area of the reverse face formed by a reverse face of the backing surface (column 6, lines 48-57).

However Uecker et al does not disclose wherein the database includes location-specific data associated with the selected medication for a plurality of store locations, the controller arranged to forward location specific data associated with the selected medication for a selected store location to the printer to thereby cause the printer to print the location-specific data for the selected store location on at least one of the obverse face and the reverse face.

Yuyama et al discloses the database includes location-specific data associated with the selected medication for a plurality of store locations the controller arranged to forward location specific data associated with the selected medication for a selected store location to the printer to thereby cause the printer to print the location-specific data for the selected store location on at least one of the obverse face and the reverse face (paragraph 29, 30, 31, 33, 34, 38, 40, 46, 47, 49, 50; see also Constitution section).

Uecker et al and Yuyama et al are combinable because they are in the similar problem area of printing pharmaceutical information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the database system of Yuyama with the system of Uecker et al to implement printing of location specific information for pharmacy system.

The motivation to combine the reference is clear because Yuyama provides an efficient system for processing prescription (see Purpose section; paragraph 3-5).

Regarding claim 25, Uecker et al teaches all the limitations of claim 23. Further Yuyama et al discloses the method of claim 23, wherein the database includes location-specific data for a plurality of store locations, and including the steps of selecting a store

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location and forwarding the location-specific data for the selected store location to the printer, and printing the location-specific data on at least one of the obverse face and the reverse face (paragraph 29, 30, 31, 33, 34, 38, 40, 46, 47, 49, 50; see also Constitution section).

Regarding claim 19, see Examiner's rejection with respect to claim 10 above.

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6304849 to Uecker et al in view of JP 08-305769 to Yuyama et al further in view of U.S. Patent No. 6711460 to Reese.

Regarding claim 28, Uecker et al in view of Yuyama et al teach all the limitations of claims 10. However Uecker et al in view of Yuyama et al does not disclose wherein the location-specific data associated with the selected medication for a plurality of store locations comprises a location within a pharmacy store in which the selected medication is located.

Reese discloses the system of claim 10, wherein the location-specific data associated with the selected medication for a plurality of store locations comprises a location within a pharmacy store in which the selected medication is located (column 17, lines 48-67).

Uecker et al, Yuyama et al, and Reese are combinable because they are in the similar problem area of printing pharmaceutical information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the specification of medication location of Reese with the system of Uecker et al in view of Yuyama et al to implement printing of location of medication.

The motivation to combine the reference is clear because Reese teaches that the pharmacist can operate remotely and efficiently using the system (column 2, lines 22-52).

Regarding claim 29, see Examiner's rejection with respect to claim 28 above.

9. Claims 11, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6304849 to Uecker et al in view of U.S. Patent No. 6206428 to Hansen et al further in view of U.S. Patent No. 6240394 to Uecker et al.

Regarding claim 11, Uecker '849 et al in view of Hansen et al teach all the limitations of claims 1. However Uecker et al '849 in view of Hansen et al does not disclose the system wherein the database includes a message data comprising a plurality of messages, the controller arranged to forward a selected message to the printer the thereby cause the printer to print the selected message on at least one of the obverse face and the reverse face.

Uecker et al '394 discloses the system wherein the database includes a message data comprising a plurality of messages, the controller arranged to forward a selected message to the printer the thereby cause the printer to print the selected

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message on at least one of the obverse face and the reverse face (column 4, lines 30-40).

Uecker et al '849, Hansen et al, and Uecker et al '394 are combinable because they are in the similar problem area of printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the message printing of Uecker et al '394 with system of Uecker et al '849 in view of Hansen et al to implement select message printing for pharmaceutical products.

The motivation to combine the reference is clear because using the system of Uecker et al '394 prescription receiving customers can get useful information related to the medication (column 4, lines 12-18).

Regarding claim 20, see Examiner's rejection with respect to claim 11 above.

Regarding claim 26, see Examiner's rejection with respect to claim 11 above.

10. Claims 12, 21, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6304849 to Uecker et al in view of U.S. Patent No. 6206428 to Hansen et al further in view of U.S. Patent No. 6240394 to Uecker et al further in view of US 2002/0092019 A1 to Marcus.

Regarding claim 12, Uecker et al (6304849) in view of Hansen et al further in view of Uecker et al (6240394) teach all the limitations of claims 11. Further Uecker et al (6240394) disclose wherein the message is store-specific level (column 4, lines 13-19;

The coupons are to be used in a store.). However Uecker et al in view of Hansen et al further in view of Uecker et al does not disclose the system wherein the message data comprises a plurality of message levels, the message levels including a default level, a date-specific level, and a geographic-specific level.

Marcus discloses the system wherein the message data comprises a plurality of message levels, the message levels including a default level, a date-specific level, and a geographic-specific level (page 7, paragraph 102; page 30 paragraph 467; page 1, paragraph 1).

Uecker et al '849, Hansen et al, Uecker et al '394, and Marcus are combinable because they are in the similar problem area of printing (Marcus: paragraph 423).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the message level system with the system of Uecker et al '849 in view of Hansen et al further in view of Uecker et al '394 to implement message level used for printing labels.

The motivation to combine the reference is clear because level can be used for defining the amount of message a user will receive in terms of advertising according to Marcus (page 7, paragraph 102-116).

Regarding claim 22, Uecker et al in view of Hansen et al further in view of Uecker et al further in view of Marcus teach all the limitations of claim 21. Further Marcus discloses wherein the system of claim 21, wherein the plurality of message levels are prioritized (page 7, paragraph 101, 102, 103-116).

Regarding claim 21, see Examiner's rejection with respect to claim 12 above.

Regarding claim 27, see Examiner's rejection with respect to claim 12 above.

Other Prior Art Cited

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7018499 to Furst et al disclose printing with book format.

U.S. Patent Application Publication No. US 2002/0051205 A1 to Teranishi et al disclose printing method.

U.S. Patent Application Publication No. US 2004/0213943 A1 to Viby discloses printing of labels.

U.S. Patent Application Publication No. US 2004/0019502 A1 to Leaman et al disclose information system for patient/pharmacy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

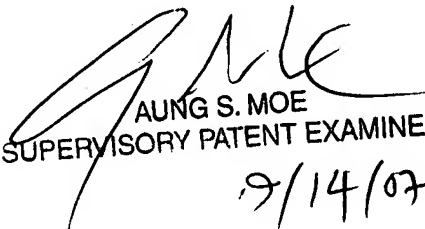
For more information about the PAIR system, see <<http://pair-direct.uspto.gov/>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

09/11/2007


AUNG S. MOE
SUPERVISORY PATENT EXAMINER
9/14/07